

1998 WL 34190432 (Mass.Super.) (Trial Filing)

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Additional charges apply

Superior Court of Massachusetts.

COMMONWEALTH,

v.

Stacy H. ARRUDA.

Nos. 98 - 831 - 001 - 009

June 23, 1998.

Commonwealth's Statement of the Case

Now comes the Commonwealth in the above-captioned matter and provides this Honorable Court with the following Statement of the Case. Please note all of the patients allegedly **abused** by the Defendant Stacy H. Arruda will be referred to by letter to protect the patients' confidentiality.

The Grand Jury sitting in Middlesex County returned the above nine criminal charges against the Defendant Stacy H. Arruda, Two of the charges allege that the Defendant Stacy H. Arruda violated the felony **elder abuse** statute found at [GL c. 265 § 13K \(b\)](#):

98-831-009 That the Defendant Stacy H. Arruda was witnessed committing an assault and battery on Patient A, a patient of the Wilmington Woods Nursing Care Center and caused bodily injury. Said assault and battery occurred in January of 1998 and alleges the Defendant Stacy Arruda force fed Patient A her own feces.

98-831-008 That the Defendant Stacy H. Arruda was witnessed committing an assault and battery on Patient B, a patient of the Wilmington Woods Nursing Care Center and caused bodily injury. Said assault and battery occurred in January of 1998 and alleges the Defendant Stacy Arruda stomped or kicked Patient B in her crotch area.

The following seven charges allege that the Defendant Stacy H. Arruda violated the misdemeanor patient **abuse** statute found at [GL c. 265 § 38](#):

98-831-007 That the Defendant Stacy H. Arruda was Witnessed committing patient **abuse** on Patient A, a patient of the Wilmington Woods Nursing Care Center. Said patient **abuse** occurred in January of 1998 and alleges the Defendant Stacy Arruda force fed Patient A her own feces.

98-831-006 That the Defendant Stacy H. Arruda was witnessed committing patient **abuse** on Patient B, a patient of the Wilmington Woods Nursing Care Center. Said patient **abuse** occurred in January of 1998 and alleges the Defendant Stacy Arruda stomped or kicked Patient B in her crotch area.

98-831-005 That the Defendant Stacy H. Arruda was witnessed committing patient **abuse** on Patient B, a patient of the Wilmington Woods Nursing Care Center, Said patient **abuse** occurred in January of 1998 and alleges the Defendant Stacy Arruda slapped Patient B in the head and kicked her in the leg.

98-831-004 That the Defendant Stacy H. Arruda was witnessed committing patient **abuse** on Patient B, a patient of the Wilmington Woods Nursing Care Center. Said patient **abuse** occurred in October of 1997 and alleges the Defendant Stacy Arruda tipped Patient B's wheelchair over and dragged her into her bedroom.

98-831-003 That the Defendant Stacy H. Arruda was witnessed committing patient **abuse** on Patient C, a patient of the Wilmington Woods Nursing Care Center. Said patient **abuse** occurred in November of 1997 and alleges the Defendant Stacy Arruda spit into Patient C's face.

98-831-002 That the Defendant Stacy H. Arruda was witnessed committing patient **abuse** on Patient D, a patient of the Wilmington Woods Nursing Care Center. Said patient **abuse** occurred on various days between December of 1997 and January of 1998 and alleges the Defendant Stacy Arruda pulled Patient D's hair and roughly handled her.

98-831-001 That the Defendant Stacy H. Arruda was witnessed committing patient **abuse** on Patient E, a patient of the Wilmington Woods Nursing Care Center. Said patient **abuse** occurred in January of 1998 and alleges the Defendant Stacy Arruda threw Patient E into the side rails of his bed and roughly handled him.

At the time of the alleged **abuse**, the Defendant Stacy H. Arruda was employed as a certified nurses aide at the Wilmington Woods Nursing Care Center. As a nurses aide, the Defendant Stacy H. Arruda was paid to render total personal care to very ill, **elderly** and dependent nursing home patients.

All of the five alleged patient victims relied upon the Defendant Stacy H. Arruda for care. These patients are all over 80 years old and are residents of the cain circle at Wilmington Woods which specializes in the care of patients with Alzheimer's Disease. None of the Defendant Stacy H. Arruda's alleged victims will be available to testify at the trial of those charges,

The Commonwealth's case will be supported by eyewitness testimony from co-workers and documentation from Wilmington Woods Nursing Care Center.

Respectfully submitted,

SCOTT HARSHBARGER, ATTORNEY GENERAL

by: , Mark E. Muldoon - BBO #359550, Assistant Attorney General, Medicaid Fraud Control Unit, 200 Portland Street, Boston, MA 02114, (617) 727-2200.....

Date: *June 23, 1998*